



# Partnership for Working Families

## **A Community Led Strategy to Fight State Interference, Build Political Power and Win Progressive Policy**

*January 2018*

Partnership for Working Families, with its 17 affiliate organizations and two emerging coalitions, is driving a national progressive agenda to harness the power of cities for change in our regions, states, and eventually the nation. Our powerful coalitions of community groups, labor unions, faith networks and environmental organizations are building governing coalitions with a grassroots base of power to advance a vision of just, sustainable, and democratic communities. For two decades, our network of multi-sector, multi-racial coalitions has been advancing a model of leveraging the power of cities for change by winning policies that concretely improve people's lives.

These victories include greater worker protections (minimum wage, paid leave, wage theft, fair scheduling and local enforcement), affordable housing, accessible transit, and greater access to healthcare and environmental protections. In the current political climate, we are leveraging our strengths to resist the regressive federal agenda and to fight back against state interference. At the center of that is innovative local organizing and policy to advance a progressive vision and put workers' and community members' voices -- particularly those of women and people of color -- first in determining the nation's future.

**The Case for a Comprehensive Campaign Strategy:** The extensive stripping of local authority we have seen in the past several years is a strategy driven by corporate special interests and far-right extremists. It is moving across a range of states, regardless of party control. While most localities have the power to make policy, most states have the power to preempt them. The legal tools to stop state interference are narrow enough that court victories alone will not be sufficient. To stop state interference, therefore, we must make preemption of progressive policy a political third rail. Getting to that goal requires broad-based, multi-year campaigns to transform how policymakers and the public think about the issue.

### **A Comprehensive Assault on People, Democracy and Progressive Power**

While attention focuses on Washington, aggressive corporate and special interests are systematically working at the state level to close critical avenues of power-building for poor people, people of color, women, LGBTQ individuals, and immigrants. Their strategy: targeting local governments, which provide essential hubs of innovation, protection and progressive political power. The Koch Brothers-backed American Legislative Exchange Council (ALEC), the architect of this strategy, has moved state legislators and courts to gut the ability of local governments in a vast number of states to alleviate unemployment, poverty and residential displacement and to protect their residents from threats to their health, safety and civil rights.

The harm inflicted by ALEC's strategy is very real. North Carolina's HB2 drew the nation's attention to the cruelty and intolerance of eliminating local protections for transgender people who use public restrooms based on their gender identity. But there are other stories as well. In Pennsylvania, a business association's lawsuit using state

preemption to nullify a 2015 Pittsburgh ordinance has robbed 50,000 workers -- many of them people of color who work in the service sector -- of their right to any paid sick leave from their job. Meanwhile, the legislature is considering a bill to eliminate all such local laws in the state, including Philadelphia's, which helps an estimated 200,000 workers take time off from work if they or a loved one are sick.

The state laws emerging from ALEC's strategy pose a serious threat to our democracy. Many were shocked by Florida's law threatening local officials with civil penalties and removal from office for merely failing to repeal a sensible local gun safety policy. But Florida is merely the harbinger. In 2016, Arizona adopted a law that allows the state to withhold all state funds from any local government that takes action that a single official finds inconsistent with state law. The Governor of Texas, Greg Abbott, has actively advocated for the complete removal of local government authority to take any action without the permission of the state.

Most alarming, this strategy has gone nationwide. After a surge of successful campaigns to win local laws providing for higher wages, paid sick days, job opportunities for disadvantaged workers, affordable housing, immigrants' rights and anti-discrimination protections, states across the country now restrict the following local policies: minimum wage (25), construction labor agreements (23), paid leave (19), inclusionary housing (11), rent control (27), immigrants' rights (8), anti-discrimination measures (3) and local hire (2). When localities have sought to regulate industries that affect the health, safety, and wellbeing of local residents, states have restricted their ability to do so in areas including pesticides (29), factory farms (13), tobacco products (31), transportation network companies (41), and nutrition and food policy (9).

Today, there are hundreds of bills making their way through state legislatures across the country to further limit local government power to enact progressive policies.

### **The Limits of Current Resistance Efforts**

Efforts to counter this powerful wave of state interference have thus far largely consisted of isolated litigation or policy advocacy. On the legal front, research by a group of legal experts, including the Partnership's attorneys, has uncovered a number of bases on which localities may potentially challenge state interference, despite most states having broad authority to restrict or prohibit local action. While the Partnership is excited about and actively supporting the ability of localities and advocates to aggressively challenge state interference in court, we are also clear that simply striking down particular laws -- especially on the narrow grounds likely available in most instances -- will not be sufficient to protect localities from the recurring threat they now face.

The same is true on the policy advocacy front. Thus far, advocates in a handful of states have succeeded in stopping state legislation that would limit local authority on an issue they care about. There are important lessons to be learned from these successes, in which the Partnership has sometimes been involved and is cataloguing. But we also know that these defensive wins obtained through traditional lobbying single bills are not adequately shifting the political landscape in a way that will stop further state interference.

Some hold that the problem is strictly a function of Republican party dominance in state legislatures, and focus attention on electoral strategies. However, state interference is happening regardless of which party holds power in the state. Forty-three states now limit local gun control laws and forty-one states limit local laws regulating ridesharing companies like Uber and Lyft. Rhode Island, a Democratic trifecta state, recently preempted local minimum wage laws. Pennsylvania adopted minimum wage preemption when it had a Democratic Governor and House. New York's Democratic governor just signed a law restricting local plastic bag regulation.

## The Campaign-Based Strategy for Turning the Tide

The hard truth is that enabling localities to continue to protect their residents, bolster democracy and provide progressive leadership and innovation will require *fundamental change in the political landscape of many states*. The Partnership has a strategy to get there: **multi-region, multi-racial campaigns grounded in grassroots organizing, building participatory democracy, and racial and social justice**.

These campaigns treat state interference as an extension of the drive by corporations to remove checks on their power and by white male legislators to marginalize communities of color, women and the LGBTQ community. They embody a vision of multi-racial coalitions organizing in regions across states to roll back state interference and protect threatened communities. They promote participatory democracy, expanding the power of local organizing and political action for the disenfranchised and disaffected. This approach reflects a critical strategic choice. Through it, these campaigns resist the simple city-versus-state frame and avoid the dangerous trap of advocating for “local control” in all circumstances.

- **Moving Campaigns in Key States**
  - The Partnership’s first statewide effort is focused in Pennsylvania. There, our Pittsburgh affiliate, Pittsburgh UNITED, and our Philadelphia affiliate, POWER, are organizing regional efforts in strategic areas throughout the state that build to a permanent rollback of state law prohibiting local minimum wages and a political firewall against any state law prohibiting local paid sick days ordinances.
  - In California, Colorado and Washington, the Partnership’s affiliates and allies are exploring campaigns to reverse state limitations on local rent control.
  - In Southern States, including Georgia, Tennessee, North Carolina, the Partnership is working with our affiliate Georgia STAND UP and local coalitions to advance equitable and accountable development strategies in the context of state preemption challenges and preparing for responses from the state legislatures.
- **Focusing on Race and Gender.** The Partnership has led the effort to expose and challenge the racism at the root of state interference. In August 2017, the Partnership published [first-of-its-kind research](#) on the racial justice dimension the issue. As the research shows, while preemption is frequently portrayed as part of a partisan power struggle, preemption legislation is too often passed by predominantly white legislatures to block laws benefiting and supported by majority communities of color. We also co-authored an amicus brief supporting the Equal Protection arguments of the Black workers challenging Alabama’s law prohibiting local minimum wage, illustrating how an overwhelmingly white legislature knowingly acted to preserve racial wage gaps originating in the Jim Crow era. We are now turning our attention to the race and gender impacts of Pennsylvania’s preemption of Pittsburgh’s paid sick days ordinance, partnering with the Women’s Law Center on a new amicus brief. We will expand our research and communications on state interference, race and gender throughout 2018, including by looking into housing-related impacts.
- **Exposing the Drivers of State Interference.** In January, we released a [report](#), co-authored with NELP, that shows how Transportation Network Companies like Uber spent millions and used incredibly aggressive tactics to strip cities in 41 states of their authority to regulate city transportation or enforce labor rights. We will continue to undertake research and utilize communications that makes clear to the public who is driving harmful state interference and strengthens power analysis for key campaigns.
- **Tapping In to Local Organizing.** Our grassroots affiliates are ready to build upon the coalition-building work that drove the local policy that helped trigger ALEC’s preemption strategy in the first place. Our Wisconsin affiliate, Citizen Action of Wisconsin, convened the coalition that organized to win passage of

the Milwaukee paid sick days law that led to ALEC developing its first model state preemption law in 2011. Pittsburgh UNITED organized the coalition that won passage of the paid sick days ordinance now held up by a court that says the ordinance is preempted by state law. Across the state, POWER helped anchor the coalition that expanded the scope of local wage standards now under attack in the legislature. Our Twin Cities affiliate, ISIAAH, has helped move the coalition wins on minimum wage and paid sick days that recently survived attacks in court and the state legislature. And the members of the Stand Up Nashville coalition that we support played critical roles in moving the local hiring ordinance that the state preempted in dramatic fashion in 2016. We believe the field is ready to take action. In addition to our network of affiliates and allies, there may be more than a dozen cities in the Midwest and South ready to follow Birmingham and Miami Beach and pass minimum wage in defiance of state preemption. Harnessing this energy into broad-based, strategic campaigns will enable the transformative change the moment requires.

- **Delivering National Campaign Coordination and Support.** We are well-positioned to design, execute and support these campaigns in states across the country. Our national communications team has been working for over two years to refine narrative, framing and messaging strategies and cultivate earned media relationships, successfully pitching stories on state interference to the [Washington Post](#), [Alabama News](#), [CityLab](#), the [Atlantic](#) and other national outlets. Over that same period, our legal team has worked with a wide range of partners and built out a library of legal and policy tools, research and strategy to support local and state campaigns.
- **Sharing the Most Comprehensive Web-based Resource on State Interference.** The Partnership for Working Families and Preemption Watch have developed a comprehensive, easy-to-use web-based resource on state interference. It will launch in February 2018 and (a) cover a comprehensive range of issue areas (see below), (b) provide precise summaries of the impact of each particular preempting statute, and (c) provide direct links to the text of the state law. Issue coverage includes:

THE PARTNERSHIP	PREEMPTION WATCH
<ul style="list-style-type: none"> <li>● Minimum Wages</li> <li>● Construction Jobs Standards</li> <li>● Employee Benefits</li> <li>● Predictive Scheduling</li> <li>● Equity in Hiring</li> <li>● Housing Affordability</li> <li>● Immigration</li> <li>● Ridesharing</li> </ul>	<ul style="list-style-type: none"> <li>● Discrimination</li> <li>● E-Cigarettes</li> <li>● Factory Farms</li> <li>● Fire Sprinklers</li> <li>● Firearms</li> <li>● Nutrition</li> <li>● Paid Sick Days</li> <li>● Smokefree</li> </ul>